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EXAMINER
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VAN BRAMER, JOHN W

ART UNIT	PAPER NUMBER
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3622

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/838,927	<b>Applicant(s)</b> HARMAN ET AL.	
	<b>Examiner</b> John Van Bramer	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. The amendment file October 12, 2007 has cancelled no claims. No Claims were amended and no new claims were added. Thus the currently pending claims in the application are Claims 1-48.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17, 19-24, 26-29, 32-34, 37-39, and 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Spiegel et al. (U.S. Patent Number: 6,629,079).

Claim 1: Spiegel discloses a system for providing a dynamic shopping cart window within a windows-based content manifestation environment provided within a Web browser, comprising:

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- a. A server system configured to transmit a software system and data related to a shopping list from a shopping list content source via an electronic data network.  
(Col 6, line 59 through Col 7, line 31)
- b. A Web browser client operating within a data processing system that is coupled to said server system via the electronic data network and having a content manifestation environment, said Web browser client operative to receive said software system and said data via said server system, to process said software system and said data to produce a moveable shopping cart window object within said content manifestation environment of said Web browser client, said moveable shopping cart window object configured to dynamically manifest therein the shopping list received from the shopping list content source in accordance with said data. (Col 6, line 59 through Col 7, line 31)

Claim 2: Spiegel discloses the system according to claim 1, wherein said software system includes instructions related to the size and placement of said shopping cart window object within said content manifestation environment. (Col 1, lines 54-67)

Claim 3: Spiegel discloses the system according to claim 1, wherein said electronic data network is an Internet. (Col 1, lines 11-31 and Col 4, lines 3-28)

Claim 4: Spiegel discloses the system according to claim 1, wherein the shopping list includes at least one of an item and a price. (Col 4, line 58 through Col 5, line 6)

Claim 5: Spiegel discloses the system according to claim 1, wherein the moveable shopping cart window object is updated according to changes in the shopping list.  
(Col 16, lines 17-42)

Claim 6: Spiegel discloses the system according to claim 1, wherein the moveable shopping cart window object includes at least one of a reset button, a checkout button, and a delete button. (Col 6, lines 17-42)

Claim 7: Spiegel discloses a method for providing a dynamic shopping cart window within a windows-based content manifestation environment provided within a Web browser, comprising:

- a. From a server system, transmitting a software system and data related to a shopping list from a shopping list content source via an electronic data network.  
(Col 6, line 59 through Col 7, line 31)
- b. At a Web browser client operating within a data processing system that is coupled to said server system via the electronic data network, receiving said software system; processing said software system and said data to produce a moveable shopping cart window object within a content manifestation environment provided by said Web browser. (Col 6, line 59 through Col 7, line 31)

- c. Dynamically manifesting said shopping list within said moveable shopping cart window object in accordance with said data. (Col 6, line 59 through Col 7, line 31)

Claim 8: Spiegel discloses the method according to claim 7, wherein said software system includes instructions related to the size and placement of said shopping cart window object within said content manifestation environment. (Col 1, lines 54-67)

Claim 9: Spiegel discloses the method according to claim 7, wherein said electronic data network is an Internet. (Col 1, lines 11-31 and Col 4, lines 3-28)

Claim 10: Spiegel discloses the method according to claim 7, wherein the shopping list includes at least one of an item and a price. (Col 4, line 58 through Col 5, line 6)

Claim 11: Spiegel discloses the method according to claim 7, further including updating the moveable shopping cart window object according to changes in the shopping list. (Col 16, lines 17-42)

Claim 12: Spiegel discloses the method according to claim 7, wherein the moveable shopping cart window object includes at least one of a reset button, a checkout button, and a delete button. (Col 6, lines 17-42)

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Claim 13: Spiegel discloses a system for providing a dynamic shopping cart window within a windows-based content manifestation environment provided within a Web browser, comprising:

- a. A server system configured to transmit a software system and data related to a shopping list from a shopping list content source via an electronic data network.

(Col 6, line 59 through Col 7, line 31)

- b. A Web browser client operating within a data processing system that is coupled to said server system via the electronic data network and having a content manifestation environment, said Web browser client operative to receive said software system and said data via said server system, to process said software system and said data to produce a controllable shopping cart window object within said content manifestation environment of said Web browser client, said controllable shopping cart window object configured to dynamically manifest therein the shopping list received from the shopping list content source in accordance with said data. (Col 6, line 59 through Col 7, line 31)

Claim 14: Spiegel discloses the system according to claim 13, wherein said software system includes instructions related to the size and placement of said shopping cart window object within said content manifestation environment. (Col 1, lines 54-67)

Claim 15: Spiegel discloses the system according to claim 13, wherein said electronic data network is an Internet. (Col 1, lines 11-31 and Col 4, lines 3-28)

Claim 16: Spiegel discloses the system according to claim 13, wherein the shopping list includes at least one of an item and a price. (Col 4, line 58 through Col 5, line 6)

Claim 17: Spiegel discloses the system according to claim 13, wherein the controllable shopping cart window object is updated according to changes in the shopping list. (Col 16, lines 17-42)

Claim 19: Spiegel discloses the system according to claim 13, wherein the controllable shopping cart window object includes at least one of a reset button, a checkout button, and a delete button. (Col 6, lines 17-42)

Claim 20: Spiegel discloses a method for providing a dynamic shopping cart window within a windows-based content manifestation environment provided within a Web browser, comprising:

- a. From a server system, transmitting a software system and data related to a shopping list from a shopping list content source via an electronic data network.  
(Col 6, line 59 through Col 7, line 31)
- b. At a Web browser client operating within a data processing system that is coupled to said server system via the electronic data network, receiving said software system. (Col 6, line 59 through Col 7, line 31)



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- c. Processing said software system and said data to produce a controllable shopping cart window object within a content manifestation environment provided by said Web browser. (Col 6, line 59 through Col 7, line 31)
- d. Dynamically manifesting said shopping list within said controllable shopping cart window object in accordance with said data. (Col 6, line 59 through Col 7, line 31)

Claim 21: Spiegel discloses the method according to claim 20, wherein said software system includes instructions related to the size and placement of said shopping cart window object within said content manifestation environment. (Col 1, lines 54-67)

Claim 22: Spiegel discloses the method according to claim 20, wherein said electronic data network is an Internet. (Col 1, lines 11-31 and Col 4, lines 3-28)

Claim 23: Spiegel discloses the method according to claim 20, wherein the shopping list includes at least one of an item and a price. (Col 4, line 58 through Col 5, line 6)

Claim 24: Spiegel discloses the method according to claim 20, further including updating the controllable shopping cart window object according to changes in the shopping list. (Col 16, lines 17-42)

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Claim 26: Spiegel discloses the method according to claim 20, wherein the controllable shopping cart window object includes at least one of a reset button, a checkout button, and a delete button. (Col 6, lines 17-42)

Claim 27: Spiegel discloses a system for providing a dynamic television window within a windows-based content manifestation environment provided within a Web browser, comprising:

- a. A server system configured to transmit a software system and data related to an audio-visual program from an audio-visual program content source via an electronic data network. (Col 6, line 59 through Col 7, line 31)
- b. A Web browser client operating within a data processing system that is coupled to said server system via the electronic data network and having a content manifestation environment, said Web browser client operative to receive said software system and said data via said server system, to process said software system and said data to produce a moveable television window object within said content manifestation environment of said Web browser client, said moveable television window object configured to dynamically manifest therein the audio-visual program received from the audio-visual program content source in accordance with said data. (Col 6, line 59 through Col 7, line 31)

Claim 28: Spiegel discloses the system according to claim 27, wherein said software system includes instructions related to the size and placement of said television window object within said content manifestation environment. (Col 1, lines 54-67)

Claim 29: Spiegel discloses the system according to claim 27, wherein said electronic data network is an Internet. (Col 1, lines 11-31 and Col 4, lines 3-28)

Claim 32: Spiegel discloses a method for providing a dynamic television window within a windows-based content manifestation environment provided within a Web browser, comprising:

- a. From a server system, transmitting a software system and data related to an audiovisual program from an audio-visual program content source via an electronic data network. (Col 6, line 59 through Col 7, line 31)
- b. At a Web browser client operating within a data processing system that is coupled to said server system via the electronic data network, receiving said software system. (Col 1, lines 54-67)
- c. Processing said software system and said data to produce a moveable television window object within a content manifestation environment provided by said Web browser. (Col 6, line 59 through Col 7, line 31)
- d. Dynamically manifesting said audio-visual program within said moveable television window object in accordance with said data. (Col 6, line 59 through Col 7, line 31)

Claim 33: Spiegel discloses the method according to claim 32, wherein said software system includes instructions related to the size and placement of said television window object within said content manifestation environment. (Col 1, lines 54-67)

Claim 34: Spiegel discloses the method according to claim 32, wherein said electronic data network is an Internet. (Col 1, lines 11-31 and Col 4, lines 3-28)

Claim 37: Spiegel discloses a system for providing a dynamic television window within a windows-based content manifestation environment provided within a Web browser, comprising:

- a. A server system configured to transmit a software system and data related to an audio-visual program from an audio-visual program content source via an electronic data network. (Col 6, line 59 through Col 7, line 31)
- b. A Web browser client operating within a data processing system that is coupled to said server system via the electronic data network and having a content manifestation environment, said Web browser client operative to receive said software system and said data via said server system, to process said software system and said data to produce a controllable television window object within said content manifestation environment of said Web browser client, said controllable television window object configured to dynamically manifest therein

the audio-visual program received from the audio-visual program content source in accordance with said data. (Col 6, line 59 through Col 7, line 31)

Claim 38: Spiegel discloses the system according to claim 37, wherein said software system includes instructions related to the size and placement of said television window object within said content manifestation environment. (Col 1, lines 54-67)

Claim 39: Spiegel discloses the system according to claim 37, wherein said electronic data network is an Internet. (Col 1, lines 11-31 and Col 4, lines 3-28)

Claim 43: Spiegel discloses a method for providing a dynamic television window within a windows-based content manifestation environment provided within a Web browser, comprising:

- a. From a server system, transmitting a software system and data related to an audiovisual program from an audio-visual program content source via an electronic data network. (Col 6, line 59 through Col 7, line 31)
- b. At a Web browser client operating within a data processing system that is coupled to said server system via the electronic data network, receiving said software system. (Col 6, line 59 through Col 7, line 31)
- c. Processing said software system and said data to produce a controllable television window object within a content manifestation environment provided by said Web browser. (Col 6, line 59 through Col 7, line 31)

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- d. Dynamically manifesting said audio-visual program within said controllable television window object in accordance with said data. (Col 6, line 59 through Col 7, line 31)

Claim 44: Spiegel discloses the method according to claim 43, wherein said software system includes instructions related to the size and placement of said television window object within said content manifestation environment. (Col 1, lines 54-67)

Claim 45: Spiegel discloses the method according to claim 43, wherein said electronic data network is an Internet. (Col 1, lines 11-31 and Col 4, lines 3-28)

***Claim Rejections - 35 USC § 103***

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 5. Claims 18, 25, 30, 31, 35, 36, 40-42, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spiegel et al. (U.S. Patent Number: 6,629,079) in view of Hall, Marty ("Core Web Programming", 1998).

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Claim 18: Spiegel discloses the system according to claim 13, but is silent with regard to the ability to move, resize, maximize, or minimize the controllable shopping cart window object. However, in analogous art, Hall, Marty teaches the use of frames in a web browser. These frames are, by default, resizable (Chapter 4, page 112, lines 21-23). It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize frames and their default values to create a controllable shopping cart window object that is adapted to perform at least one of moving, resizing, maximizing, and minimizing within said content manifestation environment. The motivation for doing this would be to guarantee that certain parts of the interface (i.e. The current contents of the shopping cart) are always on the screen and to provide user's with the ability to modify the frame's size to enhance their viewing session.

Claim 25: Spiegel discloses the method according to claim 20, but is silent with regard to the ability to move, resize, maximize, or minimize the controllable shopping cart window object. However, in analogous art, Hall, Marty teaches the use of frames in a web browser. These frames are, by default, resizable (Chapter 4, page 112, lines 21-23). It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize frames and their default values to create a controllable shopping cart window object that is adapted to perform at least one of moving, resizing, maximizing, and minimizing within said content manifestation environment. The motivation for doing this would be to guarantee that certain parts

of the interface (i.e. The current contents of the shopping cart) are always on the screen and to provide user's with the ability to modify the frame's size to enhance their viewing session.

Claim 41: Spiegel discloses the system according to claim 37, but is silent with regard to the ability to move, resize, maximize, or minimize the controllable shopping cart window object. However, in analogous art, Hall, Marty teaches the use of frames in a web browser. These frames are, by default, resizable (Chapter 4, page 112, lines 21-23). It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize frames and their default values to create a controllable shopping cart window object that is adapted to perform at least one of moving, resizing, maximizing, and minimizing within said content manifestation environment. The motivation for doing this would be to guarantee that certain parts of the interface (i.e. The current contents of the shopping cart) are always on the screen and to provide user's with the ability to modify the frame's size to enhance their viewing session.

Claim 47: Spiegel discloses the method according to claim 43, but is silent with regard to the ability to move, resize, maximize, or minimize the controllable shopping cart window object. However, in analogous art, Hall, Marty teaches the use of frames in a web browser. These frames are, by default, resizable (Chapter 4, page 112, lines 21-23). It would have been obvious to one having ordinary skill in the art



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at the time of the invention to utilize frames and their default values to create a controllable shopping cart window object that is adapted to perform at least one of moving, resizing, maximizing, and minimizing within said content manifestation environment. The motivation for doing this would be to guarantee that certain parts of the interface (i.e. The current contents of the shopping cart) are always on the screen and to provide user's with the ability to modify the frame's size to enhance their viewing session.

Claim 30: Spiegel discloses the system according to claim 27 and that it is operable on a television-based system (Col 7 lines 14-31), but is silent with respect to the contents of the audio-visual program. However, in analogous art, Hall, Marty teaches that HTML allows full-motion video data and audio data to be incorporated with the use of the EMBED SRC tag (Chapter 3, page 95, line 19 through page 96, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include audio and video content in an electronic shopping environment. The motivation for including such content would be to provide a pleasing and enticing presentation of possible product purchases and thereby enhance both the shopping experience of the customer as well as the sales volume of the web site.

Claim 35: Spiegel discloses the system according to claim 32 and that it is operable on a television-based system (Col 7 lines 14-31), but is silent with respect to the

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contents of the audio-visual program. However, in analogous art, Hall, Marty teaches that HTML allows full-motion video data and audio data to be incorporated with the use of the EMBED SRC tag (Chapter 3, page 95, line 19 through page 96, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include audio and video content in an electronic shopping environment. The motivation for including such content would be to provide a pleasing and enticing presentation of possible product purchases and thereby enhance both the shopping experience of the customer as well as the sales volume of the web site.

Claim 40: Spiegel discloses the system according to claim 37 and that it is operable on a television-based system (Col 7 lines 14-31), but is silent with respect to the contents of the audio-visual program. However, in analogous art, Hall, Marty teaches that HTML allows full-motion video data and audio data to be incorporated with the use of the EMBED SRC tag (Chapter 3, page 95, line 19 through page 96, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include audio and video content in an electronic shopping environment. The motivation for including such content would be to provide a pleasing and enticing presentation of possible product purchases and thereby enhance both the shopping experience of the customer as well as the sales volume of the web site.

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Claim 46: Spiegel discloses the system according to claim 43 and that it is operable on a television-based system (Col 7 lines 14-31), but is silent with respect to the contents of the audio-visual program. However, in analogous art, Hall, Marty teaches that HTML allows full-motion video data and audio data to be incorporated with the use of the EMBED SRC tag (Chapter 3, page 95, line 19 through page 96, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include audio and video content in an electronic shopping environment. The motivation for including such content would be to provide a pleasing and enticing presentation of possible product purchases and thereby enhance both the shopping experience of the customer as well as the sales volume of the web site.

Claim 31: Spiegel discloses the system according to claim 27, but is silent with regard to the specific features contained in the moveable television window object. However, in analogous art, Hall, Marty teaches that both Netscape and Internet Explorer have standard plug ins that support the playing of video clips (Chapter 3, page 95, line 19 through page 96, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to leave the default value for the CONTROLS parameter in place and thus display the standard control buttons (i.e. volume control, a pause button, a play button, and a stop button). One would have been motivated to do this in order to provide users with control over their viewing session.

Claim 36: Spiegel discloses the system according to claim 32, but is silent with regard to the specific features contained in the moveable television window object. However, in analogous art, Hall, Marty teaches that both Netscape and Internet Explorer have standard plug ins that support the playing of video clips (Chapter 3, page 95, line 19 through page 96, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to leave the default value for the CONTROLS parameter in place and thus display the standard control buttons (i.e. volume control, a pause button, a play button, and a stop button). One would have been motivated to do this in order to provide users with control over their viewing session.

Claim 42: Spiegel discloses the system according to claim 37, but is silent with regard to the specific features contained in the moveable television window object. However, in analogous art, Hall, Marty teaches that both Netscape and Internet Explorer have standard plug ins that support the playing of video clips (Chapter 3, page 95, line 19 through page 96, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to leave the default value for the CONTROLS parameter in place and thus display the standard control buttons (i.e. volume control, a pause button, a play button, and a stop button). One would have been motivated to do this in order to provide users with control over their viewing session.

Claim 48: Spiegel discloses the system according to claim 43, but is silent with regard to the specific features contained in the moveable television window object. However, in analogous art, Hall, Marty teaches that both Netscape and Internet Explorer have standard plug ins that support the playing of video clips (Chapter 3, page 95, line 19 through page 96, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to leave the default value for the CONTROLS parameter in place and thus display the standard control buttons (i.e. volume control, a pause button, a play button, and a stop button). One would have been motivated to do this in order to provide users with control over their viewing session.

### ***Response to Arguments***

6. Applicant's arguments filed October 12, 2007, have been fully considered but they are not persuasive.
  - a. The applicant argues in regards to claims 1-6, 13-17, 19, 27-29, 37-39 that Spiegel fails to describe or suggest a moveable shopping cart window within a content manifestation environment of a web browser client. However, Spiegel discloses a server system that transmits data to a web browser client having a content manifestation environment that is coupled to the server system in Col 6, line 59 through Col 7, line 31. The limitations of the claim as currently written indicate that the web browser is operative to received data

from the server, process said data, and manifest said data. The applicant indicates that the data could be a movable shopping cart window but the examiner can find no specific definition within the applicants specification of the term "moveable". Since the applicant is claiming a server and a web browser client the examiner gives little weight to the type of data being provided by the server to the browser, however, Spiegel does disclose a web browser displaying content in the form of a shopping cart in Col 1, lines 49-67; Col 5, line 39 through Col 6, line 16; and Col 6, line 59 through Col 7, line 13. Spiegel further describes the movement of a shopping cart in Col 4, lines 12-67. The cited section discloses that multiple shopping carts are used but that the user is able to only view one shopping cart at a time (see Fig 2). Utilizing the shopping cart viewing navigation bar the user selects which shopping cart to view. When a user selects to view a different shopping cart the current shopping cart is moved from the viewing area and replaced by the newly selected shopping cart. It is important to note that the selection of a shopping cart to determine the current context and the viewing of a shopping cart are two distinct features. The user has the ability to have one shopping cart be the current context and still view a second shopping cart. Thus, all of the shopping carts exist, but user has the ability to swap the currently displayed shopping cart with a second shopping cart and thus provide the moveable limitations imposed by the claims as currently written.

- b. The applicant argues in regards to claims 7-12, 20-24, 26, 32-34, and 43-45 that Spiegel fails to describe or suggest a dynamically manifesting said shopping list within said moveable shopping cart window because Spiegel fails to teach a moveable shopping cart window object nor does it teach dynamic manifestation within the Web browser. The examiner can find no specific definition within the applicant's specification of the term "moveable", thus any form of moveability is considered to meet the limitations of the claims as currently written. Thus, Spiegel does disclose a web browser displaying content in the form of a shopping cart in Col 1, lines 49-67; Col 5, line 39 through Col 6, line 16; and Col 6, line 59 through Col 7, line 13. Spiegel further describes the movement of a shopping cart in Col 4, lines 12-67. The cited section discloses that multiple shopping carts are used but that the user is able to only view one shopping cart at a time (see Fig 2 and Col 4, lines 12-67). Utilizing the shopping cart viewing navigation bar the user selects which shopping cart to view. When a user selects to view a different shopping cart the current shopping cart is moved from the viewing area and replaced by the newly selected shopping cart. It is important to note that the selection of a shopping cart to determine the current context and the viewing of a shopping cart are two distinct features. The user has the ability to have one shopping cart be the current context and still view a second shopping cart. Thus, all of the shopping carts exist, but user has the ability to swap the

currently displayed shopping cart with a second shopping cart and thus provide the moveable limitations imposed by the claims as currently written.

- c. The applicant argues, regarding claims 1-17, 19-24, 26-29, 32-34, 37-39, and 43-45, that Spiegel does not teach or suggest dynamic manifestation performed by the web browser client. The applicant contends that the dynamic manifestation taught by Spiegel is performed by the server and not the web browser client. However, Spiegel discloses the processing of information at the server and then sending context data to the web client. The web client is then responsible for displaying the data. In order to generate a display of the data in the manner directed by the context, the client must process and interpret the information that has been transmitted. The actual creation and display of the dynamic information, or dynamically manifest the data, is performed by the client as disclosed in Col 8, lines 24-40. The referenced section of Spiegel discloses that HTML is utilized to create a display in the client browser. In order to clarify the examiners position, the following example is provided: When a server transmits HTML data the data includes both tags and information. An example of such tags are the frame indicators, <frame> (begin frame) and </frame> (end frame). The frame indicators directs the web client to create a separate window and display the data between the <frame> and </frame> in a separate window. The client is responsible for interpreting these tags and displaying the data as per the formatting requested by the server. As such, the interaction described



in Col 8, lines 24-40 discloses the web client dynamically manifesting the information. While the data was sent from the server, the web browser client performs the actual manifesting.

- d. The applicant argues that the cited portion of Hall, Marty applies to frames, something that is never mentioned by Spiegel. However, Spiegel mentions that web pages are generally defined using HyperText Markup Language (HTML) and that HTML provides a standard set of tags that define how a Web page is to be displayed in Col 1, lines 54-57, Spiegel further discloses that HTML documents contain various tags that control the displaying of text, graphics, controls, and other features in Col 1, lines 63-65. Spiegel further discloses the use of HTML in Col 8, lines 4-22. The Hall, Marty reference is used to disclose that one of the standard set of tags available at the time the invention was made was the "frame" tag. Thus, the combination of the Hall, Marty and Spiegel references establishes a prima facie case of obviousness because the "frame" tag is one of a limited number of the standardized tags referenced by the Spiegel document.

### **Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

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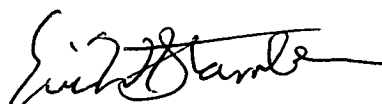
filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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